

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Mark J. RATAIN et al.

Serial No.: 10/591,228

Filed: August 31, 2006

For: POLYMORPHISMS IN THE  
EPIDERMAL GROWTH FACTOR  
RECEPTOR GENE PROMOTOR

Group Art Unit: 1761

Examiner: Unknown

Atty. Dkt. No.: ARCD:404US

Confirmation No.: 4349

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

July 9, 2007  
Date

  
Gina N. Shishima

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to

be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:404US.

This application may be related by inventorship and subject matter to U.S. application numbers:

08/423,641, filed April 17, 1995, issued as U.S. Patent No. 5,786,344;

09/251,274, filed February 16, 1999, under reexam as U.S. application no. 90/007,601;

09/553,829, filed April 21, 2000, now abandoned;

09/835,082, filed April 12, 2001, now abandoned;

10/057,834, filed January 25, 2002, now abandoned;

10/061,693, filed February 1, 2002, issued as U.S. Patent No. 6,472,157;

10/277,160, filed October 21, 2002, now abandoned;

10/591,484, filed September 1, 2006;

10/558,510, filed October 23, 2006;

10/751,606, filed January 5, 2004;

11/561,341, filed November 17, 2006.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Gina N. Shishima', with a stylized flourish extending to the right.

Gina N. Shishima  
Reg. No. 45,104  
Attorney for Applicants

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Date: July 9, 2007

Form PTO-1449 (modified)		Atty. Docket No.: ARCD:404US	Serial No.: 10/591,228
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant: Mark J. RATAIN et al.	
		Filing Date: August 31, 2006	Group: 1761
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1-2</i>	

### U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	09/553,829	4/21/00	Ratain <i>et al.</i>	514	9	4/21/00
	A2	10/591,484	9/1/06	Ratain <i>et al.</i>	342	357.1	9/1/06
	A3	2002-0016293	2/7/02	Ratain <i>et al.</i>	514	9	4/12/01
	A4	2003-0099960	5/29/03	Ratain <i>et al.</i>	435	6	1/25/02
	A5	2003-0152968	8/14/03	Di Rienzo <i>et al.</i>	435	6	10/21/02
	A6	2004-0203034	10/14/04	Ratain <i>et al.</i>	435	6	1/5/04
	A7	2007-0092902	4/26/07	Di Rienzo <i>et al.</i>	435	6	11/17/06
	A8	5,786,344	7/28/98	Ratain and Gupta	514	100	4/17/95
	A9	6,395,481	5/28/02	Di Rienzo <i>et al.</i>	435	6	2/16/99
	A10	6,395,481	5/28/02	Di Rienzo <i>et al.</i>	435	6	2/16/99
	A11	6,472,157	10/29/02	Di Rienzo <i>et al.</i>	435	6	2/1/02

### Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Language
	B1	WO 2004/011625	5/2/04	WO	English
	B2	WO 2004/108954	12/16/04	WO	English
	B3	WO 2005/085473	9/15/05	WO	English

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"SNP Report for TSC0019042," <i>The SNP Consortium Ltd.</i> , March 30, 2000.
	C2	"SNP Report for TSC0106597," <i>The SNP Consortium Ltd.</i> , March 30, 2000.

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EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1-2</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C3	Buerger <i>et al.</i> , "Length and loss of heterozygosity of an intron 1 polymorphic sequence of egfr is related to cytogenetic alterations and epithelial growth factor receptor expression," <i>Cancer Research</i> , 60(4):854-857, 2000.
	C4	Database accession number AF288738, <i>NCBI Sequence Viewer</i> , October 12, 2005.
	C5	Desai <i>et al.</i> , "Pharmacogenomics: road to anticancer therapeutics nirvana?" <i>Oncogene</i> , 22(42):6621-6628, 2003.
	C6	Johnson <i>et al.</i> , "Epidermal growth factor receptor gene promoter. Deletion analysis and identification of nuclear protein binding sites," <i>Journal of Biological Chemistry</i> , 263(12):5693-5699, 1988.
	C7	Johnson <i>et al.</i> , "Role of E2F in cell cycle control and cancer," <i>Front. Biosci.</i> , 3:d447-d448, 1998.
	C8	Kageyama <i>et al.</i> , "Epidermal growth factor (EGF) receptor gene transcription. Requirement for Sp1 and an EGF receptor-specific factor," <i>Journal of Biological Chemistry</i> , 263(13):6329-6336, 1988.
	C9	Liu <i>et al.</i> , "A functional common polymorphism in a Sp1 recognition site of the epidermal growth factor receptor gene promoter," <i>Cancer Research</i> , 65(1):46-53, 2005.
	C10	Magistroni <i>et al.</i> , "Epidermal growth factor receptor polymorphism and autosomal dominant polycystic kidney disease," <i>J. Nephrology</i> , 16:110-115, 2003.
	C11	Martin <i>et al.</i> , "Candidate genes colocalized to linkage regions in inflammatory bowel disease," <i>Digestion</i> , 66:121-126, 2002.
	C12	Murcia <i>et al.</i> , "New insights into the molecular pathophysiology of polycystic kidney disease," <i>Kidney Int.</i> , 55:1187-1197, 1999.

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